

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3428 of 1995

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? No.

2. To be referred to the Reporter or not? No.

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3. Whether Their Lordships wish to see the fair copy of the judgement? No.

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? No.

5. Whether it is to be circulated to the Civil Judge? No.

PM KHODA

Versus

STATE OF GUJARAT

Appearance:

1. MR. H.J. NANAVATI, Advocate. for Petitioner
2. MR. D.A. BHAMBHANIA, Advocate, for respondents no.1 and 2.
3. Ms. S.J. Manavia, A.P.P. for the State.

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 20/08/96

ORAL JUDGEMENT

Rule. Mr. Bhambhanian, learned Advocate, waives service of rule on behalf of the respondents no.1 and 2.

Miss Mandavia, A.G.P. waives service of rule on behalf of respondent no.3.

The petitioner who is serving as a Sr. Clerk under respondent no.3 Panchayat was awarded benefit of Higher Grade under the order dated 18-6-1993. The said benefit has been withdrawn by respondent no.3 under its order made on 6-4-1995. Feeling aggrieved the petitioner has preferred this petition. The learned Advocate appearing for the petitioner states that the impugned order has been made without affording any opportunity of hearing to the petitioner.

Learned Advocate Ms Mandavia, appearing for respondent no.3 concedes that no opportunity of hearing has been afforded to the petitioner before making the impugned order. In the circumstances, the impugned order dated 6-4-1995 Annexure 'E' to the petition is quashed and set aside. It is further clarified that respondent no.3 may make a fresh order after affording an opportunity of hearing to the petitioner. This order is made without prejudice to the rights and contentions of the parties.

The petition is allowed to the aforesaid extent. Rule is made absolute to the above extent. The parties shall bear their own costs.

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